



General Assembly

Substitute Bill No. 6285

January Session, 2007

* _____HB06285GAE____050907_____*

**AN ACT CONCERNING CHILDREN AND YOUTH IN JUVENILE
MATTERS AND THE RECOMMENDATIONS OF THE JUVENILE
JURISDICTION PLANNING AND IMPLEMENTATION COMMITTEE.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46b-120 of the general statutes, as amended by
2 section 1 of public act 05-250, is repealed and the following is
3 substituted in lieu thereof (*Effective July 1, 2009*):

4 The terms used in this chapter shall, in its interpretation and in the
5 interpretation of other statutes, be defined as follows: (1) "Child"
6 means any person under sixteen years of age, [and,] except that for
7 purposes of delinquency matters and family with service needs
8 proceedings, "child" means any person (A) under [sixteen] eighteen
9 years of age, or (B) [sixteen] eighteen years of age or older who, prior
10 to attaining [sixteen] eighteen years of age, has violated any federal or
11 state law [or municipal or local ordinance, other than an ordinance
12 regulating behavior of a child in a family with service needs,] and,
13 subsequent to attaining [sixteen] eighteen years of age, violates any
14 order of the Superior Court or any condition of probation ordered by
15 the Superior Court with respect to such delinquency [proceeding] or
16 family with service needs proceedings; (2) "youth" means any person
17 sixteen or seventeen years of age who [; (3) "youth in crisis" means any
18 youth who, within the last two years,] (A) has without just cause run
19 away from the parental home or other properly authorized and lawful

20 place of abode, (B) is beyond the control of the youth's parents,
21 guardian or other custodian, or (C) has four unexcused absences from
22 school in any one month or ten unexcused absences in any school year;
23 [(4)] (3) "abused" means that a child or youth (A) has been inflicted
24 with physical injury or injuries other than by accidental means, or (B)
25 has injuries that are at variance with the history given of them, or (C) is
26 in a condition that is the result of maltreatment, [such as] including,
27 but not limited to, malnutrition, sexual molestation or exploitation,
28 deprivation of necessities, emotional maltreatment or cruel
29 punishment; [(5)] (4) a child or youth may be found "mentally
30 deficient" who, by reason of a deficiency of intelligence that has existed
31 from birth or from early age, requires, or will require, for [his] such
32 child's or youth's protection or for the protection of others, special care,
33 supervision and control; [(6)] (5) a child or youth may be convicted as
34 "delinquent" who has violated (A) any federal or state law, [or
35 municipal or local ordinance, other than an ordinance regulating
36 behavior of a child in a family with service needs,] (B) any order of the
37 Superior Court, except as provided in section 46b-148, or (C)
38 conditions of probation as ordered by the court; [(7)] (6) a child or
39 youth may be found "dependent" whose home is a suitable one for the
40 child or youth, save for the financial inability of the child's or youth's
41 parents, parent or guardian, or other person maintaining such home,
42 to provide the specialized care the condition of the child or youth
43 requires; [(8)] (7) "family with service needs" means a family that
44 includes a child or youth who (A) has without just cause run away
45 from the parental home or other properly authorized and lawful place
46 of abode, (B) is beyond the control of the child's or youth's parent,
47 parents, guardian or other custodian, (C) has engaged in indecent or
48 immoral conduct, (D) is a truant or habitual truant or who, while in
49 school, has been continuously and overtly defiant of school rules and
50 regulations, or (E) is thirteen years of age or older and has engaged in
51 sexual intercourse with another person and such other person is
52 thirteen years of age or older and not more than two years older or
53 younger than such child or youth; [(9)] (8) a child or youth may be
54 found "neglected" who (A) has been abandoned, or (B) is being denied

55 proper care and attention, physically, educationally, emotionally or
56 morally, or (C) is being permitted to live under conditions,
57 circumstances or associations injurious to the well-being of the child or
58 youth, or (D) has been abused; [(10)] (9) a child or youth may be found
59 "uncared for" who is homeless or whose home cannot provide the
60 specialized care that the physical, emotional or mental condition of the
61 child or youth requires. For the purposes of this section, the treatment
62 of any child or youth by an accredited Christian Science practitioner, in
63 lieu of treatment by a licensed practitioner of the healing arts, shall not
64 of itself constitute neglect or maltreatment; [(11)]
65 (10) "delinquent act" means the violation of any federal or state law [or
66 municipal or local ordinance, other than an ordinance regulating the
67 behavior of a child in a family with service needs,] or the violation of
68 any order of the Superior Court; [(12)] (11) "serious juvenile offense"
69 means (A) the violation of, including attempt or conspiracy to violate,
70 section 21a-277, 21a-278, 29-33, 29-34, 29-35, 53-21, 53-80a, 53-202b,
71 53-202c, 53-390 to 53-392, inclusive, 53a-54a to 53a-57, inclusive, 53a-59
72 to 53a-60c, inclusive, 53a-70 to 53a-71, inclusive, 53a-72b, 53a-86, 53a-92
73 to 53a-94a, inclusive, 53a-95, 53a-101, 53a-102a, 53a-103a or 53a-111 to
74 53a-113, inclusive, subdivision (1) of subsection (a) of section 53a-122,
75 subdivision (3) of subsection (a) of section 53a-123, section 53a-134,
76 53a-135, 53a-136a, 53a-166 or 53a-167c, subsection (a) of section
77 53a-174, or section 53a-196a, 53a-211, 53a-212, 53a-216 or 53a-217b, by a
78 child or youth, or (B) running away, without just cause, from any
79 secure placement other than home while referred as a delinquent child
80 or youth to the Court Support Services Division or committed as a
81 delinquent child or youth to the Commissioner of Children and
82 Families for a serious juvenile offense; [(13)] (12) "serious juvenile
83 offender" means any child or youth convicted as delinquent for
84 commission of a serious juvenile offense; [(14)] (13) "serious juvenile
85 repeat offender" means any child or youth charged with the
86 commission of any felony if such child or youth has previously been
87 convicted delinquent at any age for two violations of any provision of
88 title 21a, 29, 53 or 53a that is designated as a felony; [(15)]
89 "alcohol-dependent child" means any child who has] (14) "alcohol-

90 dependent" means a psychoactive substance dependence on alcohol as
91 that condition is defined in the most recent edition of the American
92 Psychiatric Association's "Diagnostic and Statistical Manual of Mental
93 Disorders"; [and (16) "drug-dependent child" means any child who
94 has] (15) "drug-dependent" means a psychoactive substance
95 dependence on drugs as that condition is defined in the most recent
96 edition of the American Psychiatric Association's "Diagnostic and
97 Statistical Manual of Mental Disorders"; and (16) "juvenile" means a
98 child or youth. No child or youth shall be classified as drug dependent
99 who is dependent (A) upon a morphine-type substance as an incident
100 to current medical treatment of a demonstrable physical disorder other
101 than drug dependence, or (B) upon amphetamine-type, ataractic,
102 barbiturate-type, hallucinogenic or other stimulant and depressant
103 substances as an incident to current medical treatment of a
104 demonstrable physical or psychological disorder, or both, other than
105 drug dependence.

106 Sec. 2. Section 46b-121 of the general statutes is repealed and the
107 following is substituted in lieu thereof (*Effective July 1, 2009*):

108 (a) (1) Juvenile matters in the civil session include all proceedings
109 concerning uncared-for, neglected or dependent children and youths
110 within this state, termination of parental rights of children or youths
111 committed to a state agency, matters concerning families with service
112 needs, contested matters involving termination of parental rights or
113 removal of guardian transferred from the Probate Court [,] and the
114 emancipation of minors, [and youths in crisis,] but does not include
115 matters of guardianship and adoption or matters affecting property
116 rights of any child [, youth or youth in crisis] or youth over which the
117 Probate Court has jurisdiction, [provided] except that appeals from
118 probate concerning adoption, termination of parental rights and
119 removal of a parent as guardian shall be included.

120 (2) Juvenile matters in the criminal session include all proceedings
121 concerning delinquent children [in the] or youths within this state and
122 persons [sixteen] eighteen years of age and older who are under the

123 supervision of a juvenile probation officer while on probation or a
124 suspended commitment to the Department of Children and Families,
125 for purposes of enforcing any court orders entered as part of such
126 probation or suspended commitment.

127 (b) (1) In juvenile matters, the Superior Court shall have authority to
128 make and enforce such orders directed to parents, including any
129 person who acknowledges before [said] the court paternity of a child
130 born out of wedlock, guardians, custodians or other adult persons
131 owing some legal duty to a child [, youth or youth in crisis] or youth
132 therein, as [it] the court deems necessary or appropriate to secure the
133 welfare, protection, proper care and suitable support of a child [, youth
134 or youth in crisis] or youth subject to [its] the court's jurisdiction or
135 otherwise committed to or in the custody of the Commissioner of
136 Children and Families. In addition, with respect to proceedings
137 concerning delinquent children or youths, the Superior Court shall
138 have authority to make and enforce such orders as [it] the court deems
139 necessary or appropriate to punish the child or youth, deter the child
140 or youth from the commission of further delinquent acts, assure that
141 the safety of any other person will not be endangered and provide
142 restitution to any victim. [Said court] The Superior Court shall also
143 have authority to grant and enforce temporary and permanent
144 injunctive relief [, temporary or permanent] in all proceedings
145 concerning juvenile matters.

146 (2) If any order for the payment of money is issued by [said court]
147 the Superior Court, including any order assessing costs issued under
148 section 46b-134 or 46b-136, the collection of such money shall be made
149 by [said] the court, except orders for support of children or youths
150 committed to any state agency or department, which orders shall be
151 made payable to and collected by the Department of Administrative
152 Services. [Where] If the [court] Superior Court after due diligence is
153 unable to collect such moneys within six months, [it] the court shall
154 refer such case to the Department of Administrative Services for
155 collection as a delinquent account. In juvenile matters, the [court]
156 Superior Court shall have authority to make and enforce orders

157 directed to persons liable hereunder on petition of [said] the
158 Department of Administrative Services made to [said] the court in the
159 same manner as is provided in section 17b-745, in accordance with the
160 provisions of section 17b-81 [,] or 17b-223, subsection (b) of section
161 17b-179 [,] or section 17a-90, 46b-129 or 46b-130, and all of the
162 provisions of section 17b-745 shall be applicable to such proceedings.
163 Any judge hearing a juvenile matter may make any other order in
164 connection therewith that a judge of the Superior Court is authorized
165 to grant and such order shall have the same force and effect as any
166 other order of the Superior Court. In the enforcement of [its] the court's
167 orders, in connection with any juvenile matter, the court may issue
168 process for the arrest of any person, compel attendance of witnesses
169 and punish for contempt by a fine not exceeding one hundred dollars
170 or imprisonment not exceeding six months.

171 Sec. 3. Subsection (c) of section 46b-127 of the general statutes is
172 repealed and the following is substituted in lieu thereof (*Effective July*
173 *1, 2009*):

174 (c) Upon the effectuation of the transfer, such child or youth shall
175 stand trial and be sentenced, if convicted, as if [he were sixteen] such
176 child or youth were eighteen years of age. Such child or youth shall
177 receive credit against any sentence imposed for time served in a
178 juvenile facility prior to the effectuation of the transfer. A child or
179 youth who has been transferred may enter a guilty plea to a lesser
180 offense if the court finds that such plea is made knowingly and
181 voluntarily. Any child or youth transferred to the regular criminal
182 docket who pleads guilty to a lesser offense shall not resume [his] such
183 child's or youth's status as a juvenile regarding [said] such offense. If
184 the action is dismissed or nolleed or if such child or youth is found not
185 guilty of the charge for which [he] such child or youth was transferred
186 or of any lesser included offenses, the child or youth shall resume [his]
187 such child's or youth's status as a juvenile until [he] such child or
188 youth attains the age of [sixteen] eighteen years.

189 Sec. 4. Subsection (f) of section 46b-133c of the general statutes is

190 repealed and the following is substituted in lieu thereof (*Effective July*
191 *1, 2009*):

192 (f) Whenever a proceeding has been designated a serious juvenile
193 repeat offender prosecution pursuant to subsection (b) of this section
194 and the child or youth does not waive such child's or youth's right to a
195 trial by jury, the court shall transfer the case from the docket for
196 juvenile matters to the regular criminal docket of the Superior Court.
197 Upon transfer, such child or youth shall stand trial and be sentenced, if
198 convicted, as if such child or youth were [sixteen] eighteen years of
199 age, except that no such child or youth shall be placed in a correctional
200 facility but shall be maintained in a facility for children and youths
201 until such child or youth attains [sixteen] eighteen years of age or until
202 such child or youth is sentenced, whichever occurs first. Such child or
203 youth shall receive credit against any sentence imposed for time
204 served in a juvenile facility prior to the effectuation of the transfer. A
205 child or youth who has been transferred may enter a guilty plea to a
206 lesser offense if the court finds that such plea is made knowingly and
207 voluntarily. Any child or youth transferred to the regular criminal
208 docket who pleads guilty to a lesser offense shall not resume such
209 child's or youth's status as a juvenile regarding such offense. If the
210 action is dismissed or nolleed or if such child or youth is found not
211 guilty of the charge for which such child or youth was transferred, the
212 child or youth shall resume such child's or youth's status as a juvenile
213 until such child or youth attains [sixteen] eighteen years of age.

214 Sec. 5. Subsection (f) of section 46b-133d of the general statutes is
215 repealed and the following is substituted in lieu thereof (*Effective July*
216 *1, 2009*):

217 (f) When a proceeding has been designated a serious sexual
218 offender prosecution pursuant to subsection (c) of this section and the
219 child or youth does not waive the right to a trial by jury, the court shall
220 transfer the case from the docket for juvenile matters to the regular
221 criminal docket of the Superior Court. Upon transfer, such child or
222 youth shall stand trial and be sentenced, if convicted, as if such child or

223 youth were [sixteen] eighteen years of age, except that no such child or
224 youth shall be placed in a correctional facility but shall be maintained
225 in a facility for children and youths until such child or youth attains
226 [sixteen] eighteen years of age or until such child or youth is
227 sentenced, whichever occurs first. Such child or youth shall receive
228 credit against any sentence imposed for time served in a juvenile
229 facility prior to the effectuation of the transfer. A child or youth who
230 has been transferred may enter a guilty plea to a lesser offense if the
231 court finds that such plea is made knowingly and voluntarily. Any
232 child or youth transferred to the regular criminal docket who pleads
233 guilty to a lesser offense shall not resume such child's or youth's status
234 as a juvenile regarding such offense. If the action is dismissed or nolle
235 or if such child or youth is found not guilty of the charge for which
236 such child or youth was transferred, the child or youth shall resume
237 such child's or youth's status as a juvenile until such child or youth
238 attains [sixteen] eighteen years of age.

239 Sec. 6. Subsection (c) of section 10-19m of the general statutes is
240 repealed and the following is substituted in lieu thereof (*Effective July*
241 *1, 2009*):

242 (c) The Commissioner of Education shall adopt regulations, in
243 accordance with the provisions of chapter 54, establishing minimum
244 standards for such youth service bureaus and the criteria for qualifying
245 for state cost-sharing grants, including, but not limited to, allowable
246 sources of funds covering the local share of the costs of operating such
247 bureaus, acceptable in-kind contributions and application procedures.
248 Said commissioner shall, on December 1, [1979] 2009, and annually
249 thereafter, report to the General Assembly on the referral or diversion
250 of children or youths under the age of [sixteen] eighteen years from the
251 juvenile justice system and [on the referral or diversion of children
252 between the ages of sixteen and eighteen years from] the court system.
253 Such report shall include, but not be limited to, the number of times
254 any child or youth is so diverted, the number of children or youths
255 diverted, the type of service provided to any such child or youth, by
256 whom such child or youth was diverted, the ages of the children or

257 youths diverted and such other information and statistics as the
258 General Assembly may request from time to time. Any such report
259 shall contain no identifying information about any particular child or
260 youth.

261 Sec. 7. (NEW) (*Effective July 1, 2008*) (a) The Chief Court
262 Administrator shall, within available appropriations, establish regional
263 juvenile courts within this state for the hearing of juvenile matters
264 including, but not limited to, delinquency proceedings. In establishing
265 such courts, the Chief Court Administrator shall consult with the
266 judges of the Superior Court who hear such juvenile matters.

267 (b) The Chief Court Administrator may establish a regional juvenile
268 court under this section in any existing court facility and shall
269 maximize the use of court facilities that may otherwise be unused or
270 substantially underutilized.

271 Sec. 8. Section 46b-121i of the general statutes is repealed and the
272 following is substituted in lieu thereof (*Effective July 1, 2009*):

273 (a) The Judicial Department shall:

274 (1) Coordinate programs and services of the juvenile justice system
275 with other state and municipal agencies, boards and commissions;

276 (2) Develop and use intake and assessment procedures for the
277 evaluation of juveniles;

278 (3) Provide case management for juveniles;

279 (4) Provide pretrial diversion and postconviction programs;

280 (5) Coordinate community-based services for juveniles and their
281 families [which] that promote appropriate reintegration of the juvenile
282 with [his] the juvenile's family, school and community; and

283 (6) Provide other programs and services necessary to the juvenile
284 justice system.

285 (b) In developing its programs, the Judicial Department shall:

286 (1) Develop and implement an independently-validated risk [and]
287 assessment [instruments] instrument for use on a state-wide basis in
288 determining the need for detention or other placement at the time a
289 juvenile enters the system. The risk assessment instrument shall use
290 objective factors, including, but not limited to, the factors set forth in
291 subdivision (2) of this subsection, to classify juveniles as (A) those
292 appropriate for detention, (B) those who may be released with
293 structured supervision, and (C) those who may be released without
294 supervision. The risk assessment instrument shall be designed to
295 minimize the impact of subjective measures;

296 (2) Develop and implement a case classification process to [include
297 the establishment of] establish classification program levels and case
298 management standards for each program level. [A] Each program level
299 [is] shall be based on the following factors: (A) The needs of the
300 juvenile, [his] (B) the strengths of the juvenile, (C) the offense the
301 juvenile is charged with, (D) the juvenile's potential to be [dangerous
302 and his] at risk of offending further, and (E) the potential for the
303 juvenile to fail to appear in court or to run away prior to a court
304 hearing or disposition;

305 (3) Not later than July 1, 2010, and annually thereafter, review the
306 risk assessment instrument and the case classification process
307 described in subdivisions (1) and (2) of this subsection and revise the
308 risk assessment instrument and the case classification process as
309 necessary to meet the needs of juveniles; and

310 [(3)] (4) Develop and implement a purchase-of-care system, which
311 will facilitate the development of a state-wide community-based
312 continuum of care, with the involvement of the private sector and the
313 local public sector. Care services may be purchased from private
314 providers to provide a wider diversity of services. [This] The system
315 shall [include accessing] maximize the use of federal funds and shall
316 access available Title IV-E funds of the federal Social Security Act, as

317 amended from time to time, new Medicaid funds and other funding
318 sources to support eligible community-based services. Such services
319 developed and purchased shall include, but not be limited to,
320 evaluation services which shall be available on a geographically
321 accessible basis across the state.

322 Sec. 9. Section 46b-121k of the general statutes is repealed and the
323 following is substituted in lieu thereof (*Effective July 1, 2009*):

324 (a) (1) The Court Support Services Division shall [be charged with
325 the duty of developing] develop constructive programs for the
326 prevention and reduction of delinquency and crime among juvenile
327 offenders. To [that end] develop such programs, the executive director
328 of the Court Support Services Division shall cooperate with other
329 agencies to encourage the establishment of new programs and to
330 provide a continuum of services for juvenile offenders who do not
331 require secure placement, including, but not limited to, juveniles
332 classified pursuant to the risk assessment instrument described in
333 section 46b-121i, as amended by this act, as those who may be released
334 with structured supervision and those who may be released without
335 supervision. If appropriate, the Court Support Services Division shall
336 coordinate such programs with the Department of Children and
337 Families and the Department of Mental Health and Addiction Services.

338 (2) The programs shall be tailored to the type of juvenile, including
339 the juvenile's offense history, age, maturity and social development,
340 gender, mental health, [and chemical] alcohol dependency or drug
341 dependency, [problem,] need for structured supervision and other
342 characteristics, and shall be culturally appropriate and trauma-
343 informed. The programs shall be provided in the least restrictive
344 environment possible in a manner consistent with public safety. The
345 Court Support Services Division shall develop programs that provide:
346 [(1)] (A) Intensive general [educational programs] education, with an
347 [individual educational] individualized remediation plan for each
348 juvenile; [(2) specific educational components in the management of]
349 (B) appropriate job training and employment opportunities; (C)

350 counseling sessions in anger management and nonviolent conflict
351 resolution; [(3)] (D) treatment and prevention programs for [chemical]
352 alcohol dependency and drug dependency; [(4)] (E) mental health
353 screening, assessment and treatment; [and (5)] (F) sexual offender
354 treatment; and (G) services for families of juveniles.

355 (b) The Judicial Department may contract to establish regional
356 secure residential facilities and regional highly supervised residential
357 and nonresidential facilities for juveniles referred by the court. Such
358 facilities shall operate within contracted-for capacity limits. Such
359 facilities shall be exempt from the licensing requirements of section
360 17a-145.

361 (c) The Court Support Services Division shall collaborate with
362 private residential facilities providing residential programs and with
363 community-based nonresidential postrelease programs.

364 (d) Any program developed by the Court Support Services Division
365 that is designed to prevent or reduce delinquency and crime among
366 juvenile offenders shall be gender specific, as necessary, and shall
367 comprehensively address the unique needs of a targeted gender group.

368 (e) The Court Support Services Division shall consult with the
369 Commission on Racial and Ethnic Disparity in the Criminal Justice
370 System established pursuant to section 51-10c to address the needs of
371 minorities in the juvenile justice system.

372 Sec. 10. Subsection (b) of section 46b-133 of the general statutes is
373 repealed and the following is substituted in lieu thereof (*Effective July*
374 *1, 2009*):

375 (b) Whenever a child or youth is brought before a judge of the
376 Superior Court, such judge shall immediately have the case proceeded
377 upon as a juvenile matter. Such judge may admit [such] the child or
378 youth to bail or release [him] the child or youth in the custody of [his]
379 the child's or youth's parent or parents, [his] the child's or youth's
380 guardian or some other suitable person to appear before the Superior

381 Court when ordered. If detention becomes necessary, [or desirable, the
382 same] such detention shall be in the manner prescribed by this chapter,
383 provided the child or youth shall be placed in the least restrictive
384 environment possible in a manner consistent with public safety.

385 Sec. 11. Subsection (a) of section 51-165 of the general statutes is
386 repealed and the following is substituted in lieu thereof (*Effective*
387 *January 1, 2009*):

388 (a) (1) On and after July 1, 1998, the Superior Court shall consist of
389 one hundred eighty-one judges, including the judges of the Supreme
390 Court and the Appellate Court, who shall be appointed by the General
391 Assembly upon nomination of the Governor.

392 (2) On and after October 1, 1998, the Superior Court shall consist of
393 one hundred eighty-three judges, including the judges of the Supreme
394 Court and the Appellate Court, who shall be appointed by the General
395 Assembly upon nomination of the Governor.

396 (3) On and after January 1, 1999, the Superior Court shall consist of
397 one hundred eighty-six judges, including the judges of the Supreme
398 Court and the Appellate Court, who shall be appointed by the General
399 Assembly upon nomination of the Governor.

400 (4) On and after October 1, 1999, the Superior Court shall consist of
401 one hundred ninety-one judges, including the judges of the Supreme
402 Court and the Appellate Court, who shall be appointed by the General
403 Assembly upon nomination of the Governor.

404 (5) On and after October 1, 2000, the Superior Court shall consist of
405 one hundred ninety-six judges, including the judges of the Supreme
406 Court and the Appellate Court, who shall be appointed by the General
407 Assembly upon nomination of the Governor.

408 (6) On and after January 1, 2009, the Superior Court shall consist of
409 two hundred one judges, including the judges of the Supreme Court
410 and the Appellate Court, who shall be appointed by the General

411 Assembly upon nomination of the Governor.

412 Sec. 12. (*Effective July 1, 2008*) Not later than July 1, 2009, the Chief
413 Court Administrator and the executive director of the Court Support
414 Services Division of the judicial branch shall evaluate the programs
415 and services provided in the juvenile justice system, including, but not
416 limited to, services provided pursuant to chapter 815t of the general
417 statutes, to ensure that such programs and services meet the needs of
418 persons sixteen years of age or older in the juvenile justice system, and
419 shall implement, within available appropriations, any changes deemed
420 necessary in the programs and services.

421 Sec. 13. (*Effective from passage*) (a) There is established a Juvenile
422 Jurisdiction Policy and Operations Coordinating Council. The council
423 shall monitor the implementation of the central components of the
424 implementation plan developed by the Juvenile Jurisdiction Planning
425 and Implementation Committee, as set forth in subsection (f) of this
426 section, and resolve issues identified by the committee, as set forth in
427 subsection (g) of this section, concerning changes required in the
428 juvenile justice system to expand jurisdiction to include persons
429 sixteen and seventeen years of age.

430 (b) The council shall consist of the following members:

431 (1) Two members of the General Assembly, one of whom shall be
432 appointed by the speaker of the House of Representatives, and one of
433 whom shall be appointed by the president pro tempore of the Senate;

434 (2) The chairpersons and ranking members of the joint standing
435 committees of the General Assembly having cognizance of matters
436 relating to the judiciary and human services, or their designees;

437 (3) The Chief Court Administrator, or the Chief Court
438 Administrator's designee;

439 (4) A judge of the superior court for juvenile matters, appointed by
440 the Chief Justice;

441 (5) The executive director of the Court Support Services Division of
442 the judicial branch, or the executive director's designee;

443 (6) The executive director of the Superior Court Operations
444 Division, or the executive director's designee;

445 (7) The Chief Public Defender, or the Chief Public Defender's
446 designee;

447 (8) The Chief State's Attorney, or the Chief State's Attorney's
448 designee;

449 (9) The Commissioner of Children and Families, or the
450 commissioner's designee;

451 (10) The Commissioner of Correction, or the commissioner's
452 designee;

453 (11) The Commissioner of Education, or the commissioner's
454 designee;

455 (12) The Commissioner of Mental Health and Addiction Services, or
456 the commissioner's designee;

457 (13) The president of the Connecticut Police Chiefs Association, or
458 the president's designee;

459 (14) Two child or youth advocates, one of whom shall be appointed
460 by one chairperson of the Juvenile Jurisdiction Planning and
461 Implementation Committee, and one of whom shall be appointed by
462 the other chairperson of the Juvenile Jurisdiction Planning and
463 Implementation Committee;

464 (15) Two parents, each of whom is the parent of a child who has
465 been involved with the juvenile justice system, one of whom shall be
466 appointed by the minority leader of the House of Representatives, and
467 one of whom shall be appointed by the minority leader of the Senate;
468 and

469 (16) The Child Advocate, or the Child Advocate's designee.

470 (c) All appointments to the council shall be made not later than
471 thirty days after the effective date of this section. Any vacancy shall be
472 filled by the appointing authority.

473 (d) The speaker of the House of Representatives and the president
474 pro tempore of the Senate shall select the chairpersons of the council
475 from among the members of the council. Such chairpersons shall
476 schedule the first meeting of the council, which shall be held not later
477 than sixty days after the effective date of this section.

478 (e) Members of the council shall serve without compensation, except
479 for necessary expenses incurred in the performance of their duties.

480 (f) Prior to January 1, 2009, the council shall monitor the
481 implementation of the central components of the implementation plan
482 contained in the final report of the Juvenile Jurisdiction Planning and
483 Implementation Committee dated February 8, 2007, including, but not
484 limited to: (1) The development, validation and implementation of a
485 risk assessment instrument pursuant to section 46b-121i of the general
486 statutes, as amended by this act; (2) the establishment of regional
487 juvenile courts pursuant to section 7 of this act; and (3) the
488 development and implementation of a comprehensive system of
489 community-based services and residential services for juveniles.

490 (g) Prior to January 1, 2009, the council shall study and develop
491 recommendations regarding the issues identified in the final report of
492 the Juvenile Jurisdiction Planning and Implementation Committee to
493 prepare for the introduction of persons sixteen and seventeen years of
494 age into the juvenile justice system and to improve the juvenile justice
495 system. Such issues include, but need not be limited to, the following:

496 (1) The development of diversion programs and the most
497 appropriate programs for such persons;

498 (2) The development of comprehensive projections to determine the

499 short-term and long-term placement capacity required to
500 accommodate an expanded juvenile population in the juvenile justice
501 system, including an identification of available pretrial detention
502 facilities, the need for additional pretrial detention facilities and
503 feasible alternatives to detention;

504 (3) An analysis of the impact of the expansion of juvenile
505 jurisdiction on state agencies and a determination of which state
506 agencies shall be responsible for providing relevant services to
507 juveniles, including, but not limited to, mental health and substance
508 abuse services, housing, education and employment;

509 (4) An examination of whether the inclusion of persons sixteen and
510 seventeen years of age in the juvenile justice system requires a revision
511 of statutes that establish a mandatory age for school attendance;

512 (5) An examination and modification of offenses categorized as
513 serious juvenile offenses in subdivision (12) of section 46b-120 of the
514 general statutes, as amended by this act;

515 (6) A comparison and analysis of procedures used in the juvenile
516 justice system versus the criminal court system to determine the most
517 suitable procedures for juveniles, including, but not limited to, the
518 most suitable procedures for the lawful interrogation of juveniles;

519 (7) The treatment of a motor vehicle infraction, motor vehicle
520 violation or motor vehicle offense committed by a person sixteen or
521 seventeen years of age;

522 (8) An examination of school-related issues related to delinquency,
523 including intervention strategies to reduce the number of suspensions,
524 expulsions, trancies and arrests of juveniles; and

525 (9) An examination of practices and procedures that result in
526 disproportionate minority contact with the juvenile justice system and
527 strategies to reduce disproportionate minority contact with the
528 juvenile justice system.

529 (h) Not later than January 1, 2008, and quarterly thereafter until
530 January 1, 2009, the council shall submit a status report to the
531 Governor and the joint standing committees of the General Assembly
532 having cognizance of matters relating to the judiciary and human
533 services, and the select committee of the General Assembly having
534 cognizance of matters relating to children, in accordance with section
535 11-4a of the general statutes, on implementation of the plan
536 components set forth in subsection (f) of this section and resolution of
537 the issues identified in subsection (g) of this section.

538 (i) Not later than January 1, 2009, the council shall submit a final
539 report on the council's recommendations and such implementation
540 and resolution of issues to the Governor and the joint standing
541 committees of the General Assembly having cognizance of matters
542 relating to the judiciary and human services, and the select committee
543 of the General Assembly having cognizance of matters relating to
544 children, in accordance with section 11-4a of the general statutes.

545 Sec. 14. Subsection (b) of section 46b-124 of the general statutes is
546 repealed and the following is substituted in lieu thereof (*Effective July*
547 *1, 2009*):

548 (b) All records of cases of juvenile matters, as provided in section
549 46b-121, as amended by this act, except delinquency proceedings, or
550 any part thereof, and all records of appeals from probate brought to
551 the superior court for juvenile matters pursuant to subsection (b) of
552 section 45a-186, shall be confidential and for the use of the court in
553 juvenile matters, and open to inspection or disclosure to any third
554 party, including bona fide researchers commissioned by a state agency,
555 only upon order of the Superior Court, except that: (1) The records
556 concerning any matter transferred from a court of probate pursuant to
557 section 45a-623 or subsection (g) of section 45a-715 or any appeal from
558 probate to the superior court for juvenile matters pursuant to
559 subsection (b) of section 45a-186 shall be available to the court of
560 probate from which such matter was transferred or from which such
561 appeal was taken; (2) such records shall be available to (A) the attorney

562 representing the child or youth, including the Division of Public
563 Defender Services, in any proceeding in which such records are
564 relevant, (B) the parents or guardian of the child or youth until such
565 time as the child or youth reaches the age of majority or becomes
566 emancipated, (C) an adult adopted person in accordance with the
567 provisions of sections 45a-736, 45a-737 and 45a-743 to 45a-757,
568 inclusive, (D) employees of the Division of Criminal Justice who in the
569 performance of their duties require access to such records, (E)
570 employees of the judicial branch who in the performance of their
571 duties require access to such records, (F) another court under the
572 provisions of subsection (d) of section 46b-115j, (G) the subject of the
573 record, upon submission of satisfactory proof of the subject's identity,
574 pursuant to guidelines prescribed by the Office of the Chief Court
575 Administrator, provided the subject has reached the age of majority or
576 has been emancipated, (H) the Department of Children and Families,
577 and (I) the employees of the Commission on Child Protection who in
578 the performance of their duties require access to such records; and (3)
579 all or part of the records concerning a youth in crisis with respect to
580 whom a court order [has been] was issued prior to July 1, 2009,
581 [pursuant to subdivision (1) of subsection (c) of section 46b-150f] may
582 be made available to the Department of Motor Vehicles, provided such
583 records are relevant to such order. Any records of cases of juvenile
584 matters, or any part thereof, provided to any persons, governmental
585 and private agencies, and institutions pursuant to this section shall not
586 be disclosed, directly or indirectly, to any third party not specified in
587 subsection (d) of this section, except as provided by court order or in
588 the report required under section 54-76d or 54-91a.

589 Sec. 15. Section 46b-149b of the general statutes is repealed and the
590 following is substituted in lieu thereof (*Effective July 1, 2009*):

591 [(a)] Any police officer or any official of a municipal or community
592 agency, who in the course of such police officer's or official's
593 employment under subsection (d) of section 17a-15 or section 46b-120,
594 as amended by this act, 46b-121, as amended by this act, 46b-149 [,] or
595 46b-149a [, 46b-150f or 46b-150g] provides assistance to a child or

596 youth or a family in need thereof, shall not be liable to such child or
 597 youth or such family for civil damages for any personal injuries which
 598 result from the voluntary termination of service by the child or youth
 599 or the family.

600 [(b) Each municipal police department and the Division of State
 601 Police within the Department of Public Safety shall implement a
 602 uniform protocol for providing intervention and assistance in matters
 603 involving youths in crisis. Such uniform protocol shall be developed
 604 by the Police Officer Standards and Training Council established
 605 under section 7-294b.]

606 Sec. 16. Sections 46b-150f to 46b-150h, inclusive, of the general
 607 statutes are repealed. (*Effective July 1, 2009*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	46b-120
Sec. 2	<i>July 1, 2009</i>	46b-121
Sec. 3	<i>July 1, 2009</i>	46b-127(c)
Sec. 4	<i>July 1, 2009</i>	46b-133c(f)
Sec. 5	<i>July 1, 2009</i>	46b-133d(f)
Sec. 6	<i>July 1, 2009</i>	10-19m(c)
Sec. 7	<i>July 1, 2008</i>	New section
Sec. 8	<i>July 1, 2009</i>	46b-121i
Sec. 9	<i>July 1, 2009</i>	46b-121k
Sec. 10	<i>July 1, 2009</i>	46b-133(b)
Sec. 11	<i>January 1, 2009</i>	51-165(a)
Sec. 12	<i>July 1, 2008</i>	New section
Sec. 13	<i>from passage</i>	New section
Sec. 14	<i>July 1, 2009</i>	46b-124(b)
Sec. 15	<i>July 1, 2009</i>	46b-149b
Sec. 16	<i>July 1, 2009</i>	Repealer section

JUD *Joint Favorable Subst.*

GAE *Joint Favorable*